

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: RILEY NEWTON
DEPUTY ATTORNEY GENERAL

DATE: SEPTEMBER 24, 2021

SUBJECT: IN THE MATTER OF IDAHO POWER COMPANY’S APPLICATION FOR APPROVAL OR REJECTION OF THE THIRD AMENDMENT TO ITS ENERGY SALES AGREEMENT WITH MC6 HYDRO LLC; CASE NO. IPC-E-21-30.

On August 26, 2021, Idaho Power Company (“Company”) filed an Application with the Commission requesting approval of the Second Amendment to its Energy Sales Agreement (“ESA”) with MC6 Hydro, LLC (“Seller”) who sells energy generated by the MC6 hydro facility (“Facility”). The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978.

THE APPLICATION

The Company states, “as a result to the COVID-19 pandemic, the Facility was unable to obtain its generator unit from Wuhan, China causing a Force Majeure event, which changed the Operation Date to April 5, 2021, and the project received and installed a generator with a Nameplate Capacity of 2.3 megawatts (“MW”)—a capacity 0.2 MW larger than the 2.1 MW generator capacity listed in the ESA. Application at 2.

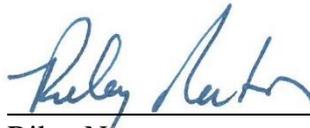
Accordingly, the amendment provides for a change to Appendix B, Article B-1 of the ESA so that the designated nameplate rating of the generator is “2.3 MW” rather than “2.1 MW.” *Id.* at 3. The amendment also seeks to change Section 6.2.3, “Seller's Adjustment of Estimated Net Energy Amounts After the Operation Date.” *Id.* Specifically, the amendment would change the Net Energy Adjustment time period in Section 6.2.3 so that the Seller can “make adjustments by the 25th day of the preceding month in which a change is requested.” *Id.* at 2. The Company requests its Application be processed by Modified Procedure. *Id.* at 4.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure establishing a public comment deadline of October 28, 2021, and a Company reply deadline of November 4, 2021.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure establishing a public comment deadline of October 28, 2021, and a Company reply deadline of November 4, 2021?



Riley Newton
Deputy Attorney General

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